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6 Attorneys for Defendant MICHAEL L. PHILPOT

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 NORTH AMERICAN COMPANY FOR LIFE )  
11 AND HEALTH INSURANCE, )

12 Plaintiff,

13 v.

14 MICHAEL L. PHILPOT, an individual, )  
15 VIRGINIA B. HIRSCH, an individual, JOHN )  
16 B. KUYKENDALL, an individual, RENE )  
ALEJANDRO LACAPE, an individual C. )  
17 RICHIE MCNAMEE, an individual and )  
HECTOR PAEZ VALDEZ, an individual )

18 Defendants.

Case No. 08 CV 0270 BEN NLS

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF  
MOTION TO DISMISS**

(Filed concurrently with Motion to  
Dismiss; Memorandum of Points and  
Authorities and Declaration of Michael J.  
Sachs)

Date: July 21, 2008  
Time: 10:00 a.m.  
Crtrm: 3

Complaint Filed: February 13, 2008  
Trial Date: None Set

19  
20 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD HEREIN:

21 COMES NOW Defendant Michael Philpot and, pursuant to *Federal Rules of Evidence*,  
22 Rule 201, respectfully requests that the Court take judicial notice of the following:  
23

- 24 1. The Initiative Statute, commonly known as Proposition 103, as obtained from  
25 the University of California Hastings College of Law website, as linked to by  
26 the California Secretary of State website, a true and correct copy of which is  
27 attached as Exhibit "1" to the Declaration of Michael J. Sachs.  
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2. The September 8, 1994 decision of Administrative Law Judge Stephen E. Hjelt, in *In the Matter of Prudential Insurance Company, et al.*, a true and correct copy of which is attached as Exhibit "2" to the Declaration of Michael J. Sachs.
3. A March 26, 1993 article from the New York Times, a true and correct copy of which is attached as Exhibit "3" to the Declaration of Michael J. Sachs.
4. March 24, 1999 correspondence from Elizabeth Tuckwell, staff counsel for the State of California Department of Insurance, a true and correct of which is attached as Exhibit "4" to the Declaration of Michael J. Sachs.
5. A printout from the Sammons Enterprises .com website, a true and correct copy of which is attached as Exhibit "5" to the Declaration of Michael J. Sachs.

Dated: June 13, 2008

Respectfully Submitted,

**CALLAHAN & BLAINE, APLC**

By: s/Michael J. Sachs

Michael J. Sachs

Attorneys for Defendant, MICHAEL L. PHILPOT

email: michael@callahan-law.co

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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this Court at whose direction service was made. My business address is Callahan & Blaine, APLC, 3 Hutton Centre, Ninth Floor, Santa Ana, California 92707.

On June 13, 2008, I electronically filed the following document with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to all other parties appearing on the docket sheet as listed below.

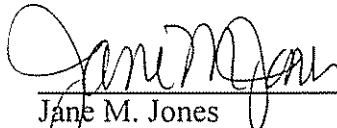
**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS**

Miles Michael Cooley mcooley@reedsmith.com

Raymond A. Greenberg raylaw43@msn.com

M. Andrew Schneider aschneider@tahlaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 13, 2008 at Santa Ana, California.

  
\_\_\_\_\_  
Jane M. Jones  
email: jjones@callahan-law.com

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